

Pongkhamsing, Chan

From: [REDACTED]
Sent: Monday, August 11, 2014 12:43 PM
To: Pongkhamsing, Chan; patrick.mcgraner@ecy.wa.gov; Marshall, John L.
Subject: Gunshy Manor - new information regarding road construction - 2010 emails/statements that it was for a development
Attachments: False Statement Referral.pdf; E10G0150 Comments.pdf

Chan, John, and Patrick:

You previously requested any information that demonstrate the construction of roads at Gunshy Manor was to support the Gunshy Manor development rather than agriculture.

Last week a neighbor provided (1) photographs that depict the significant gravel base, piped drainage and steam rollers constructing the roads back to August 2010 and (2) email exchanges with County investigator Jeri Breazeal in July and August 2010 recounting a conversation the resident had with one of the Gunshy Manor road construction workers in 2010. The email with the county investigator documents (and the resident would testify) that the construction worker stated in July 2010 that "they are building a series of roads for a new housing development. There are several crews. One is doing cutting and clearing of trees, another dozing and grading, and then there is the drainage team (of which he was a part)." The emails recount at least 50 dump trucks discharging fill in one day alone. The resident has photos and information on the company that did the work (Cascade Utilities). See highlights from the email chain pasted below. You have previously been provided pictures of this but this adds context.

This information, together with the fact that the road system did not exist for the century the property was used for agricultural, and the facts that the roads and drainage coincide temporally with the development of Gunshy Manor develop and are located in a manner that perfectly supports the proposed development demonstrate beyond doubt that the roads were constructed for a development – a changed use. There is no litigation risk on the agricultural exemption issue. We will provide the neighbor's contact information if you need to speak with him.

There are two additional concerns. First, this resident would also testify that the same county department threatened to come to his property on [REDACTED] and find a violation if he continued to pursue his complaint regarding Gunshy Manor. It is also a concern that the same county's inspector's enforcement notes, which the community has obtained through a records request, stated on August 12, 2010, that the roads were visible in a 1996 aerials. This is not supported by the aerials. Ironically, an aerial that by chance was taken one day after the county inspector's 2010 inspection shows earthwork in previously pristine areas occurring on a massive scale.

On behalf of the community, thank you for looking into this.

Emails:

From: [REDACTED]
Sent: Monday, August 02, 2010 9:45 AM
To: Breazeal, Jeri

Subject: RE: URGENT: Illegal Grading and Filling

Thanks Officer Breazeal, it's a bit disappointing to hear that this will be classified as "existing road" maintenance. The aerial imagery record clearly shows that the roads did not exist prior to last year. The roads you saw are extensions of a short road that ran to the barn which did exist in the past, but the network of new roads that loop the property and continue south within the tree line did not (shown by red lines in prior sent images). The hundreds of yards of new gravel brought in to create these new farm roads far exceed the grading and filling requirements for a permit. Did they share receipts for how much they brought in?

Also, the new farm drainage ditches did not exist in the past. The one running diagonally across the property (parcel 0825069055), as just one example, cannot be seen any of the historical aerial imagery before 2007, and certainly not prior to 2000 when it would have been grandfathered in.

The marshland retention barrier (earthen berm), which is about 4 feet tall and 4-6 feet wide and hundreds of yards long (shown as a yellow line in images of parcel 0825069013 sent previously) still has bulldozer tread marks from when it was built last year, and not a hint of native vegetation to suggest it is anything other than new work.

Finally, were you shown the clearing and road building through the woods? Were the freshly cut trees and grading visible. It seems so improbably that this is legal maintenance. Especially when all the equipment and work crews disappeared before you get there. And on Monday last week they had a pickup truck frantically spreading cut hay over the work evidence near the creek. If it was all above the board how come they removed all the equipment and cleaned up the site just before you got there? Did he let you get out of his truck and walk the work areas? And how does "farm maintenance" justify the owner's cost for all those work crews and heavy equipment? Obviously, how they spend their money is their business, but it isn't believable as farm maintenance for a "farm" that has not produced anything over the last 10 years and has been nothing more than a grazing pasture for horses (is that even considered a farm if no crops are grown?), all the while working on permits to change the usage exemption of the property. It doesn't add up.

It sounds like Mr Nelson knows very well how to work the system. They've avoided enforcement actions in prior years and even earlier this year managed to use work crews and heavy equipment to dredge the creek of beaver dams (documented by calls to DDES and a state fish and game investigator who visited the site the day after they completed work). They previously developed the Gun Shy Ridge housing development above this property so they know what they are doing with this property.

Thank you also for looking into the commercial usage of the property and confirming that they are not exceeding the permit limit and not using the historic road for prohibited commercial use. The road is a key part of history for how this region was settled and it is important we do everything possible to preserve it.

Thanks

Subject: RE: URGENT: Illegal Grading and Filling

Date: Thu, 29 Jul 2010 16:41:02 -0700

From: Jeri.Breazeal@kingcounty.gov

To: [REDACTED]

[REDACTED]

I visited the site with Mr. Nelson yesterday. All of the gravel that was brought onto the property was placed within the bed of existing farm roads; mostly on the 85 acre site. He did not do any grading or filling by the creek (although he calls it a farm ditch) He agreed to stop parking the equipment next to the creek. He drove me all around the property.

I also spoke to him regarding the sheds. The home occupation code allows 1% of the property up to 5000 sq; feet of outdoor storage for a non agricultural related business. I looked at the 2009 aerals and it appears he exceeds that amount. I will be sending him a letter telling him he will need to reduce that area.

I did not give him any complainant information; but he said he would be happy to show anyone around that was interested what they were doing and do on the property. I'll let you contact him if you are interested.

I appreciate your concern and efforts in caring for the habitat of Evan Creek

Officer Jeri Breazeal

King County Code Enforcement

From: [REDACTED]
Sent: Friday, July 23, 2010 6:51 AM
To: Breazeal, Jeri
Subject: RE: URGENT: Illegal Grading and Filling

Thanks Jeri, I got more info from a chatty worker last night as he was leaving the site.

They are building a series of roads for a new housing development. He said there are several crews. One is doing cutting and clearing of trees, another dozing and grading, and then there is the drainage team, which he was a part of.

Apparently *last year* the drainage project was to build a series of drainage ditches and barriers. The barriers are earthen berms that are 4-6' high and 6' wide to keep the wetlands out and to channel water down to the creek. They are shown by the yellow lines on the attached map, and are about 2,000-3,000 feet long. That is well over 1,000 cubic yards of earth work.

This year they are building the roads, which are shown by the red lines on the map. This road that has been built over the past several weeks, but he said they still have a lot to do and the road will eventually loop back around. It wasn't clear if loop around meant double back above, or loop around to the south and connect to 204th PI NE.

Apparently the big push of dump trucks on Monday and Tuesday was to lay roadbed for the open field areas. Now that they're working on the steep hill within the treeline the roadbed filling is limited to the pace of the dozer teams and how quickly they can build the road and clear trees, and that is about 10-15 dumptrucks per day. He said they'll be at that pace for several more weeks likely, but he wasn't specific.

He said his boss makes a big deal about how the gate must be closed each time their trucks enter or leave the site so nobody else enters behind them. This is supposedly to "prevent the horses from getting out" but the horses aren't in the pasture with the heavy equipment anyway.

The map shows points A & C for reference and scale to the prior maps sent to you. This map illustrates a much larger area because the road is so long to the south. You can occasionally catch glimpses of the yellow dozers from below, but they are pretty well hidden up in the tree line. Not sure how you're going to enforce this unless you can start with the pouring of roadbed materials in the floodplain area.

Hope this helps. It was really lucky that this guy was so chatty. When I asked him at the end if this work was permitted and if they had engineers designing the road he clammed up and said that part was none of his business.

Subject: RE: URGENT: Illegal Grading and Filling
Date: Thu, 22 Jul 2010 16:49:16 -0700
From: Jeri.Breazeal@kingcounty.gov
To: [REDACTED]

I have called the property owner and the company bringing in the fill and asked what was going on and to call me. I will get back up to the property on Monday and see what is going on.

The pictures you take are helpful to me; but as far as evidence in a hearing, you would have to come to the hearing and testify about them.

Jeri Breazeal

King County Code Enforcement

From: [REDACTED]
Sent: Thursday, July 22, 2010 4:20 PM
To: Breazeal, Jeri
Subject: RE: URGENT: Illegal Grading and Filling

Jeri,

Wow, this is way bigger than I had guessed. Today I trecked back through from the KC Evans Creek natural area to where I could look into the back of parcel 0825069013

They have a half dozen huge bulldozers, 3-4 excavators, and crews of men installing pipe and clearing. The dumptrucks then roll in every few minutes to keep the dozers busy.

They are doing lots of dozer work also up in the treeline above the open field. This is well hidden.

The scope and size of this project is enormous! It must be the biggest illegal project in the entire county. You're going to need reinforcements.

From: [REDACTED]
To: jeri.breazeal@kingcounty.gov
Subject: RE: URGENT: Illegal Grading and Filling
Date: Thu, 22 Jul 2010 11:44:53 -0700

They've got a steady flow of trucks running today. About 2-3 per hour. If you could come by during working hours you'd surely see them coming and going, and could watch from the road to see where they dump at the back of the field.

From: [REDACTED]
To: jeri.breazeal@kingcounty.gov
Subject: RE: URGENT: Illegal Grading and Filling
Date: Thu, 22 Jul 2010 09:51:42 -0700

See attached image maps...

The first is from current Google maps. The second is from KC iMap 2007 before changes.

Locations:

- (A) Previous photos sent to you were taken from this spot on the public street
- (B) Area of current fill, extending southward and into tree line, very hard to see from the street
- (C) Last year's work on new drainage ditches into Evans creek, and infill
- (D) Shed storage yard as part of commercial shed rental business "Rent Me Storage". Their rental office is in Redmond and this lot is used for excess storage of shed units, and repair.

On Tuesday there were not 15 truckloads, but approximately 50-80 truckloads. At the peak there was a truck going in every 5 minutes. They were buying their material from the neighboring gravel pit on Union Hill Road which is less than a mile away.

In addition to the 50-80 truckloads on Tuesday, each day there are about 2-10 truckloads, but they are much more sporadic. Wednesday was dramatically quieter. There have been 6 so far this morning. Relatively slow day compared to Tuesday.

If you wanted to view the fill directly, you could enter the parcel to the south of this one, which is the King County Evans Creek Natural Area. It'd be a brush whacking trek, but it would give you a direct legal view of the work. Bring a machete and waders if you are adventurous and up for this.

The story in the neighborhood is that a big development company is filling this area so they can go for permits in a year or two when the wetlands evidence is all gone, and build a high-end housing community.

Please let me know if my photos and maps are useful. If so, I can try to go into the park and get more, but if they can't be used as evidence then I'll leave it to

you.

Thanks

Subject: RE: URGENT: Illegal Grading and Filling
Date: Wed, 21 Jul 2010 16:03:04 -0700
From: Jeri.Breazeal@kingcounty.gov
To: [REDACTED]

[REDACTED]

I was out at the property this morning. I could see a small pile of dirt and it looked like a cut tree just on the east side of the creek. I could not see an area that had a large amount of fill (the 15 truckloads) Was I looking in the wrong place? It is very hard to access this property since I cannot go through gates. There was someone on a tractor driving around the back of the property but they were not moving dirt. There was a fire going to the SE of the barn.

In aerals I can see several small structures on the east side of the property.

Even the small amount of dirt near the stream would be a violation. They can maintain the pasture and farming; but they cannot bring in fill or cut trees.

Do you have any idea where the rest of the dirt went? Is it in the same place and I can't see it?

What business is he operating. There are some home occupations that can be run in the rural area; but there are restrictions

I will investigate the fill and critical area violations
I will investigate the commercial business.

I have no jurisdiction over the use of the county roads. You might try calling 206-296-8100 and see if they can do anything. My guess is that someone would have to catch them and then issue a citation.

Any information you have is helpful. Is there any other access to the back of the property that you are aware of? I will be contacting the company that you said the trucks were from and see what their story is.

Thank You for your concerns.

Officer Jeri Breazeal

King County Code Enforcement

From: [REDACTED]
Sent: Wednesday, July 21, 2010 9:09 AM
To: Code Enforcement, Web Complaints; Breazeal, Jeri
Subject: RE: URGENT: Illegal Grading and Filling

Hi Jeri, thanks for opening an investigation file. Thanks Toya for your help!

There are three concerns with this property (0825069055) that hopefully you can help enforce:

- 1) Filling wetlands, floodplain, and diverting drainage
- 2) Running overweight dump trucks on the historically-registered brick road
- 3) Running commercial business from residential property

- 1) Filling wetlands, floodplains and drainage work

The grading and filling work they have been doing has been going on for a long time. It actually started in 2009 or earlier when they built a series of drainage ditches across the property and installed a road. After creating the new drainage ditches and changing the grade they used hydroseeding trucks to cover the work. All of this is visible by comparing KC online aerial imagery (iMap) taken in 2005 and 2007 to the most recent google aerial imagery (<http://maps.google.com/maps?hl=en&tab=wl>).

During the period in 2009 they brought in equipment and laborers to dredge Evans creek and remove vegetation from the creek.

This year they have brought in literally hundreds of loads of fill. Yesterday alone there were 50 to 80 dump truck loads brought in, and Monday was similar. Over the prior weeks they have brought in excavators, equipment, and a steady flow of dump trucks, but at a slightly slower pace of 5-10 per day.

Getting evidence without entering the property: it may be possible to directly observe the fill work they are doing from public property. When at the road, the work is somewhat visible using a zoom camera, as my earlier photos indicated. If one were to stand in the bed of a pickup on the road then even more would be visible. Lastly, the neighboring property to the south is a large undeveloped but public king county park. By entering the park one could trek through the brush to the back of the park where the work would be directly observable through the trees. In this way you could photograph the fill and the equipment working.

Please let me know if you need more photos of the fill work they are doing like the ones sent earlier.

- 2) Overweight Trucks on Historic Road

The road 196th Ave NE, between Union Hill at the north and Fall City road to the south, is registered on the national historic register as landmark road. It was paved in 1913 with brick and has a weight limit of 5-tons. These trucks are well over the weight limit.

Furthermore, the property owners have street access to their property through another driveway via Union Hill Road, which does not have a weight limit or historic status. There is no reason they should be running these heavy trucks on the historic road, assuming that the work they are doing with all these dump trucks is legal.

While I understand that an investigation of illegal filling may take time, please see if there is anything that can be done to immediately stop the overweight usage of the road before it causes irreparable damage to this national historic landmark.

3) Commerical Usage in Residential Zoning Area

The company 'Rent Me' storage (<http://www.rentmestorage.com>) is using the property for staging, shipping trucks, and storage units (portable sheds). They are running trucks from this property for delivery and using the historic road for access. The property is zoned RA5 and should not have commercial traffic using the historic road.

Thanks very much for your help Jeri. The wetlands area of Evans Creek is an important riparian habitat and it is heartbreaking to see a large company use their deep pockets to bring in a huge fleet of heavy equipment to destroy it without any regard for the permit process. And to see them breaking up the historic brick road with overweight equipment at the same time is tragic.

If you do not have jurisdiction to help enforce the overweight usage of the historic road please advise which organization might. The king county road division referred me to DDES and the police didn't know who could enforce it.

Thanks

Subject: RE: URGENT: Illegal Grading and Filling
Date: Tue, 20 Jul 2010 18:00:10 -0700
From: CodeEnforcement.Comments@kingcounty.gov
To: [REDACTED]

Hello [REDACTED], (sorry this took a while - we lost power in our building around 2:30pm & no computers until an hour ago and I was at the copier all this time)

Thanks again for your complaint. I am responding to send you the link to our Complaint Form, for the next opportunity you have to share a concern. You will find that it is quite simple to find our form online. From our homepage, (www.kingcounty.gov/permits) click Code Enforcement, and then On-Line Complaint Form.

Here's the link: <http://www.kingcounty.gov/property/permits/ce/complaints/CEForm.aspx>

Using our Complaint Hotline Phone Number will suffice with getting the information to us. As the recording suggests, we will respond the same day - as requested. However, we recommend the use of our on-line form for the purposes of tracking the complaint, and assigning or providing you with an automatic reference number to follow up on your complaint.

Per our phone conversation; this email is to follow-up on your phone calls to our hotline, and on-line complaint box. Case number **E10G0150** was opened today and assigned to Officer Jeri Breazeal. For the status and information regarding this case please contact the officer directly at; (206) 296-7264 or email: Jeri.Breazeal@kingcounty.gov Please reference the case number in all your correspondence with this office.

Keep in mind that the officer must wait until the mail delivers to the property owner, and for a response from them before entering the property for an investigation, and you should allow time for the officer to gather her notes and findings before contacting her.

Thanks again for your complaint and concern, and have a great day!

Toya Williams,
Administrative Specialist 2,
Code Enforcement Section
This office is CLOSED on Friday's!

Sent: Tuesday, July 20, 2010 12:07 PM
To: Code Enforcement, Web Complaints
Subject: RE: URGENT: Illegal Grading and Filling

final two images. More available on request...

Attached 1-4 images include closeups of work in progress and super wide angle showing viewing spot on the street where this was observed.

There have been 8-10 trucks per hour since 8 AM this morning.

To: webcomplaints.codeenforcement@kingcounty.gov
Subject: URGENT: Illegal Grading and Filling
Date: Tue, 20 Jul 2010 11:26:27 -0700

URGENT: They are filling in wetlands by Evans Creek!

They have a fleet of dump trucks running back and forth every few minutes right now! Please get someone out there ASAP! They are filling in wetlands and flood plain next to Evans Creek. The dump trucks are dumping construction debris and blacktop waste fill.

Parcel Number 0825069055

No Street Address

(Neighbor Address: 7412 196TH AVE NE, Redmond 98053)

The fill is not visible from the street because of the high grass by the road. But the trucks can be observed dumping while you are standing at the street 150 yards south of the driveway entrance to the property. They also have a giant bulldozer.

To: webcomplaints.codeenforcement@kingcounty.gov

Subject: Illegal Grading and Filling

Date: Tue, 20 Jul 2010 08:12:43 -0700

Illegal Grading and Filling

Parcel Number 0825069055

No Street Address

(Neighbor Address: 7412 196TH AVE NE, Redmond 98053)

Property Link: <http://info.kingcounty.gov/Assessor/eRealProperty/Detail.aspx?ParcelNbr=0825069055>

This site has a history of code violations. The latest enforcement investigation was using heavy equipment to dredge Evan's Creek.

Now, Cascade Utilities has been running dump trucks in and out of this parcel for weeks. Yesterday 15 full dumptrucks. Today 4 already this morning while I've been typing this. They are bringing in far more than 100 yards of fill and they have a crew of large equipment in there. They do not have a permit for grading and filling over 100 yards.

The work area is neighboring Evan's Creek, which is a class 1 salmonoid stream. It is also next door to a king county park (parcel 0825069016) which is a wetland. The current filling and grading has changed the site drainage that feeds into Evans Creek. Very little of this work is now visible from the street. If you stood in the bed of a pickup you might see it over the tall vegetation of the neighboring park.

Also, the dumptrucks are way over the 5-ton weight limit for the Red Brick Road (the historical section of 196th Ave NE) that they are driving on. These dumptrucks coming and going all day long and have been for weeks. That too is likely an enforceable violation because for this historical historical road.